

REMARKS

Claims 1-7 and 10-16 are pending in this application. By this Amendment, claims 1, 10 and 11 are amended. Support for the amendments can be found, for example, in paragraph [0013] of the specification. No new matter is added. Reconsideration and prompt allowance is respectfully requested at least in light of the following remarks.

The Office Action rejects claims 1, 2, 4-8 and 10-14 under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2003/0071980 to Ina et al. (Ina); rejects claim 3 under 35 U.S.C. §103(a) over Ina in view of U.S. Patent Application Publication No. 2004/0058540 to Matsumoto et al. (Matsumoto); and rejects claims 9, 15 and 16 under 35 U.S.C. §103(a) over Ina in view of U.S. Patent Application Publication No. 2003/0204348 to Suzuki et al. (Suzuki). The rejections are respectfully traversed.

I. The Claims Define Patentable Subject Matter

Ina fails to disclose each and every feature recited in claim 1. For example, Ina fails to disclose "a seventh step of comparing the plurality of comparative computation results obtained at said sixth step and said reference computation results and selecting candidates of said comparative computation results to be used in said fourth step based only on said comparison results" as recited in claims 1 (emphasis added).

In the rejection of claim 8, the Office Action asserts step S255 of Ina corresponds to the seventh step of claim 8, which is incorporated into amended claim 1. However, in the seventh step of amended claim 1, only the comparative computation results and reference computation results are compared to select candidates of the comparative computation results to be used in the fourth step of claim 1. In other words, the recited seventh step is performed using only pre-processing results obtained before exposure (processing).

In contrast, in step S255 of Ina, computer 4 of Ina determines which parameters can provide the best results based on a comparison between measurement results, estimated

measurement results and inspection results (see Ina, Fig. 2 and paragraph [0095]). Although the measurement and estimated measurement results are pre-processing results, the inspection results are post-processing results (see Ina, Fig. 2 and paragraph [0095]). Thus, the comparison performed in step S255 of Ina utilizes pre-processing and post-processing results. Accordingly, the comparison performed in the seventh step recited in amended claim 1 (comparison between only pre-processing results) does not correspond to the comparison performed in step S255 of Ina (comparison between pre-processing and post-processing results). Therefore, Ina fails to disclose the seventh step of amended claim 1. Therefore, amended claim 1 is patentable over Ina.

Claim 10 incorporates the method recited in claim 1. In addition, claim 11 recites similar patentable features. For example, claim 11 recites "a comparative computation result comparing means for comparing the plurality of comparative computation results obtained by said plurality of said comparative computation result fetching means and selecting candidates of said comparative computation results based on residual error components of said comparative computation results to be used in a processing error calculating means based only on said comparison results." Therefore, these claims are also patentable at least for the reasons discussed above as well as for the additional features that these claims recite.

Dependent claims 2-9 and 12-16 depend from independent claims 1 and 11, respectively. Therefore, those dependent claims are also patentable at least for their dependencies from claims 1 and 11 as well as for the additional features that those claims recite.

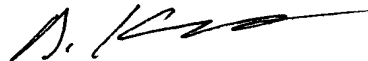
Accordingly, withdrawal of the rejections is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

Brian K. Kauffman
Registration No. 63,199

MAC:BKK/jls

Date: December 28, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

| |
|---|
| <p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p> |
|---|